



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,090	01/08/2002	Olga Bandman	PA-0028 US	7255
27904	7590	01/22/2004	EXAMINER	
INCYTE CORPORATION 3160 PORTER DRIVE PALO ALTO, CA 94304			BRUSCA, JOHN S	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20040114

DATE MAILED:

PI ase find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 28 November 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The election filed 28 November 2003 elected Group 1 and further elects a combination of SEQ ID NOS: 1-850 (850 sequences) and further elects a combination of SEQ ID NOS: 13-15 and 170-179 (13 sequences). The applicants are required to elect a single combination of SEQ ID NOS for examination in Group 1. There is no restriction as to the number of sequences in the combination, however the applicants are requested to provide searching suggestions for SEQ ID NOS that are likely to be novel, since the search burden in determining novelty is large if the combination comprises many sequences. It is brought to the applicants attention that claim 1 is interpreted as being open to combinations that are selected from the group consisting of SEQ ID NOS: 1-850, and not limited to the combination of SEQ ID NOS: 1-850. It is further noted that claims within the elected Group 1 (claims 1-9) that do not read on the elected combination will not be examined. The applicants have requested rejoinder of Groups 1 and 2. Groups 1 and 2 will not be rejoined because they are patentably distinct and have a different search burden since Group 2 requires election of a single SEQ ID NO and that sequence must be searched, whereas the combination of Group 1 could comprise the sequence that would be elected in Group 2 without requiring searching of the Group 2 sequence if another sequence of the Group 1 combination was novel.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

John S. Brusca
Primary Examiner
Art Unit: 1631